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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,418	03/26/2004	Robert C. Malkemes	MALKEMES 1-9-8-2	8934
47396	7590	12/13/2007	EXAMINER	
HITT GAINES, PC			GELIN, JEAN ALLAND	
LSI Corporation			ART UNIT	
PO BOX 832570			PAPER NUMBER	
RICHARDSON, TX 75083			2617	
			NOTIFICATION DATE	DELIVERY MODE
			12/13/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@hittgaines.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/810,418	MALKEMES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jean A. Gelin	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-15 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,8, 10-15 and 17-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/13/07 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 8, and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "the plurality of redundant signals" is nowhere in the specification to be found. Appropriate correction is required. Claims depend from 1, 8, and 15 are rejected for the same reasons. Therefore, claims 1, 3-8, 10-15, 17-23 are rejected as best understood by the examiner.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-5, 8, 10-12, 15, 17-19, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aaltonen et al. (US 2005/0097053) in view of Marko et al. (US 7,123,875).

Regarding to claims 1, 8, and 15, Aaltonen teaches broadcast retransmitter for use with a wireless local area network (WLAN) (fig. 1), comprising: a gateway configured to format a bitstream received from a broadcast receiver (i.e., GTW 18 coupled to AP 30 received content from digital broadcaster 32 or server 22, and configured to communicate with the terminal 10 using the WLAN technique [0032]) for: delivery to a wireless access point (WAP) of said WLAN ([0032]); and subsequent conversion by said WAP into a wireless transmission over said WLAN to make said bitstream available for reception by a client of said WLAN (i.e., converting the content to a form suitable to use by the terminal 10, [0044] and [0055]-[0057]).

Aaltonen fails to specifically teach the bitstream including an aggregate signal resulting from a combination of a plurality of signals, at least one signal of the plurality of redundant signals received from the satellite.

However, the preceding limitation is known in the art of communications. Marko teaches a satellite digital audio service (SDAR) receiver architecture; the system comprises a arrangement for receiving the satellite digital audio radio signal and distributing a converted signal in response thereto (col. 2, lines 27-53); the SDAR receiver are designed to receive one or both of the satellite signals (i.e., mobile receivers are capable of simultaneously receiving signals from two satellites and one terrestrial repeater for combination, col. 2, lines 47-53) and the signal from the terrestrial repeaters and combine or select one of the signals as the receiver output, and the repeater (having feature to format bitstream) receives and retransmit the satellite signal (col. 3, line 13 to col. 4, line 30). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Marko within the system Aaltonen in order to facilitate reliable reception in geographic areas where LOS reception from satellites is obscured by obstructions.

Regarding to claims 3, 10, and 17, Aaltonen in view of Marko teaches all the limitations above. Aaltonen further teaches said broadcast receiver is a terrestrial receiver ([0034]).

Regarding to claims 4, 11, and 18, Aaltonen in view of Marko teaches all the limitations above. Aaltonen further teaches wherein said gateway formats said bitstream according to a format selected from the group consisting of: Ethernet, any number of interfaces such as IEEE 1394, USB, and PCI ([0032], [0040]-[0041]).

Regarding to claims 5, 12, and 19, Aaltonen in view of Marko teaches all the limitations above. Aaltonen further teaches said WLAN conforms to an IEEE 802.11

standard (i.e., corresponding to Bluetooth interface or short range interface, [0040]-[0041]).

Regarding to claims 22 and 23, Aaltonen in view of Marko teaches all the limitations above. Marko further teaches Marko further teaches said aggregate signal is generated by a maximal ratio combiner (col. 5, lines 16-30).

6. Claims 6, 13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aaltonen et al. (US 2005/0097053) in view of Marko further in view of Eng (US 6,370,153).

Regarding to claims 6, 13, and 20, Aaltonen and Marko teach all the limitations above except bitstream includes a plurality of channels and a channel is subsequently selected therefrom.

However, the preceding limitation is known in the art of communications. Eng teaches one bitstream containing an indication of one of the slots of upstream payload channel is assigned to station for transmission (col. 4, lines 28-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Eng within the system of Aaltonen and Marko in order that the reservation request control packet can indicate the address or identifier of the SS, the number or size of slots needed transmit payload packet.

7. Claims 7, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aaltonen et al. (US 2005/0097053) in view of Marko further in view of Chen (US 6,728,824).

Regarding to claims 7, 14, and 21, Aaltonen and Marko teach all the limitations above except a channel selector interposing said broadcast receiver and said gateway, said bitstream including a selected channel.

However, the preceding limitation is known in the art of communications. Chen teaches a method for controlling incoming multi-channel bitstreams and the selector selects the memory controller based on received data type in an incoming bitstream (col. 2, lines 48-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Chen within the system of Aaltonen and Marko in order to store data from an incoming bitstream without storing an associated data type for each data word.

### ***Response to Arguments***

8. Applicant's arguments filed 11/13/07 have been fully considered but they are not persuasive.

The Applicant argues that Marko teaches a single satellite not one or more satellites as the Examiner contends.

However, the Examiner disagrees with the preceding arguments. more than one satellites are illustrated in fig. 1 of the disclosure of Marko. The SDAR receiver are designed to receive one or both of the satellite signals (i.e., mobile receivers are capable of simultaneously receiving signals from two satellites and one terrestrial repeater for combination, col. 2, lines 47-53). Therefore, the Examiner maintains that the Marko's invention is directed to more than one satellite.

The Applicant further argues that Marko fails to teach redundant signals are combined into an aggregate signal, and then delivered to wireless access point (WAP). However, the redundant signals are nowhere to be found in the specification. Therefore, claims 1, 8, and 15 are rejected as recited above.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JEAN GELIN  
PRIMARY EXAMINER

*Jean Gelin*

12/7/07